

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE,)
ANTHONY WALL, GREEN PARTY OF)
TENNESSEE, KATHLEEN A. CULVER,)
CONSTITUTION PARTY OF)
TENNESSEE and JOAN CASTLE,)

Plaintiffs,)

v.)

MARK GOINS, Coordinator of)
Elections for the State of Tennessee, and)
TRE HARGETT, Secretary of State for the)
State of Tennessee,)

Defendants.)

Case No. 3:08-0063
Judge Haynes

ATTACHMENT

EXHIBIT L

**GREEN PARTY OF TENNESSEE'S
SUPPLEMENT RESPONSE TO
DEFENDANTS' INTERROGATORIES**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE,
ANTHONY WALL, GREEN PARTY OF
TENNESSEE, KATHLEEN A. CULVER,
CONSTITUTION PARTY OF TENNESSEE,
and JOAN CASTLE,

....Plaintiffs,

v.

BROOK THOMPSON, Coordinator of
Elections for the State of Tennessee; and
TRE HARGETT, Secretary of State
for the State of Tennessee,

....Defendants.

Case No. 3: 08-0063
Judge Haynes

**PLAINTIFF GREEN PARTY OF TENNESSEE'S SUPPLEMENTAL
RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES now the Plaintiff, Green Party of Tennessee, by and through its counsel of record, and by a duly authorized officer or agent, in accordance with Fed.R.Civ.P. 33 and 34, offers its supplemental response to Defendants' First Set of Interrogatories and Request for Production of Documents, as follows:

1. Please identify any and all persons who have assisted you in providing answers to these discovery requests or provided you with any portion of the information and/or documents provided in response to these discovery requests.

ANSWER: Kathleen A. Culver, GPTN CC Co-Chair, 668 Hurricane Rd., Linden, TN 37096
(931) 589-6513

James C. Linger, Attorney, 1710 S. Boston Ave., Tulsa, OK 74119-4810
(918) 585-2797

Richard Winger, P.O. Box 470296, 3201 Baker Street, San Francisco, CA 94147-0296, (415) 922-9779

Howard Switzer, c/o Kathleen A. Culver, 668 Hurricane Rd., Linden, TN 37096
(931) 589-6513

4. Please identify with specificity every state where the Green Party has been recognized as a statewide political party at any time during the past twenty years and all the requirements the Green Party had to meet in each state to obtain such recognition.

ANSWER:

Alaska: 1990, by petition of 1% of last gub. vote; 1992, on automatically for having polled 3% for Governor in previous gub. election; 1994 same; 1996 same; 1998 same; 2000 same; 2002 same; 2004 on by court order; 2006 on by court order.

Arizona: 1992, by petition of 1.33% of last vote cast; 2000, same; 2008 same.

Arkansas: 1996, by petition of 1,000 names (president only); 2000 same; 2004 same; 2006 by petition of 10,000 names (for all partisan office); 2008 same.

California: 1992, by registering members equal to 1% of last gubernatorial vote; on continuously since then for meeting the vote test of 2% for any statewide race in midterm years.

Colorado: 1996, by paying \$500 (president only); 1998 to the present, on continuously for having 1,000 registered members.

Connecticut: 1996, by petition of 7,500 names; 2000, automatically for president only by having polled 1% for that office in 1996; 2004 automatically for having polled 1% in 2000; 2006 by petition of 7,500 names; 2008 party was on for all five U.S. House Districts, but did not get on the ballot for the only statewide race—which was President.

Delaware: continuously 2000 to present by having registration of one-twentieth of 1% of state total.

Florida: continuously 2000 to present by submitting list of state officers to Secretary of State.

Hawaii: 1992 by petition of 1% of registered voters; 1994 automatically on for having polled 10% for statewide race in 1992; 1996 by petition of 1% of registered voters; 1998 through 2006, on automatically because had been on 1992-1996; 2008, by petition of one-tenth of 1% of registered voters.

Illinois: 2000 by petition of 25,000 names; 2006 same; 2008 automatically by having polled 5% for Governor in previous election.

Iowa: 1996 by petition of 1,500 names; 2000 same; 2002 on automatically for having polled 2% for president in previous election; 2004 by petition of 1,500 names; 2006 same; 2008 same.

Kentucky: 2000 by petition of 5,000 names.

Louisiana: 1996 by paying \$500 (president only); 2000 same; 2004 same; continuously 2006 to present by having 1,000 registered members.

Maine: 1994 by 4,000 signatures; 1996 on automatically for having polled 5% for Governor in previous election; 1998 by 4,000 signatures; on automatically ever since for having polled 5% for Governor at either of two previous elections.

Maryland: 2000 by 10,000 signatures; 2004 by 10,000 signatures; 2006 on automatically since a petition counts for two elections; 2008 by 10,000 signatures.

Massachusetts: 2000 by 10,000 signatures; on automatically in 2002 for polling 3% for a statewide office in previous election year; same for 2004; 2006 by 10,000 signatures; 2008 on automatically for polling 3% for a statewide office in 2006.

Michigan: 2000 by petition of 1% of last gub. vote; on continuously since due to polling 1% for any statewide race.

Minnesota: 1996 by 2,000 signatures; 2000 by 2,000 signatures; 2002 and 2004 on automatically due to having polled 5% for any statewide race at either of two previous elections; 2006 by 2,000 signatures; 2008 same.

Mississippi: on continuously since 2002 by having submitted list of party officers to Secretary of State.

Missouri: 2000 by 10,000 signatures; 2002 same; 2006 same.

Montana: 2000 by 5,000 signatures; on automatically in 2002 and 2004 for having polled 5% for winner's vote at either of two previous elections.

Nebraska: 2000 by petition of 1% of last gub. vote; 2004 same; 2006 same; on automatically in 2008 for having polled 5% for a statewide office in previous election.

Nevada: 1996 by petition of 1% of last US House vote; on automatically in 1998 for having polled 1% for statewide office in 1996, but didn't run any candidates in 1998; 2000 by petition of

1% of last US House vote; on continuously since then by polling 1% for any candidate (candidate's vote total must be at least 1% of total statewide vote for US House).

New Hampshire: 2000 by 3,000 signatures.

New Jersey: on by getting 800 signatures in 1996, 1997, 1998, 2000, 2001, 2002, 2004, 2005, 2008.

New Mexico: 1992 on by petition of one-half of 1% of last vote cast; 1994 on automatically because such a petition gives a party two election years; on automatically in 1996 and 1998 because polled 5% for Governor in 1994; on automatically in 2000 because polled 5% for a statewide office in 1998; 2002 on by petition of one-half of 1% of last vote cast; 2004 on automatically because had polled 5% for Governor in 2002; same in 2006; on in 2008 due to ruling of Secretary of State.

New York: 1996 on by getting 15,000 signatures; 1998 same; on automatically in 2000 and 2002 by polling 50,000 votes for Governor in 1998; 2004 by getting 15,000 signatures; 2006 same; 2008 same.

North Dakota: 2000 by getting 4,000 signatures.

Ohio: 2008 Green Party on ballot as a party by court order.

Oregon: 1996 by petition of 1.5% of last gub. vote. On continuously ever since by polling 1% for any statewide race.

Pennsylvania: 2000 by petition of 2% of winning candidates for Judge's vote at previous odd year election; same for 2002; same for 2004.

Rhode Island: 1996 by petition of 1,000 names; same in 2000; on automatically in 2002 and 2004 by having polled 5% at either of last two elections for office at top of ticket; 2008 by petition of 1,000 names.

South Carolina: 2000 by persuading Natural Law Party (ballot-qualified party) to change its name to Green Party. On continuously ever since by running at least one candidate every 4 years.

Texas: 2000 by petition of 1% of last gub. vote; on automatically in 2002 by having polled 5% for statewide office in previous election.

Utah: 2000 by 1,000 signatures; 2002 by 2,000 signatures; 2004 on automatically since no statewide race in 2002; 2006 by 2,000 signatures.

Vermont: 1996 by having town committees in 10 towns; same for all elections 2000 to present.

Virginia: 2000 by petition of 10,000 signatures; 2008 by petition of 10,000 signatures.

Washington: 1996 by 200 attendees at party convention; 2000 same; 2002 same (no statewide race was up but party was on ballot statewide); 2004 same; 2006 by 1,000 signatures; 2008 same.

West Virginia: (Green Party in this state is called Mountain Party) 2000 by petition of 1% of last gub. vote; on continuously ever since.

Wisconsin: 1996 by 2,000 signatures; on continuously ever since by polling 1% for a statewide race (test to remain on is not applied in presidential years, yet if a new party polls 1% in a presidential year, that counts to extend its life to the next election).

5. Please identify with specificity all instances where the Green Party has had a candidate on the ballot at either the August or November election in Tennessee for the past forty years, including the name of the candidate, the office sought and the percentage of votes received by each such candidate.

ANSWER:

Candidates that have appeared on the ballot who considered themselves, and were considered by the Party, to be Green Party candidates are:

1996: Ralph Nader, president, .34%
2000: Ralph Nader, president, .95%
2004: David Cobb, (write-in candidates only) president, 275 votes
2008: Cynthia McKinney, president, .10%
2000: US Senate, Tom Burrell, 1.34%
2008: US Senate, Chris Lugo, .38%
2002: US House 5, Jonathan Farley, .71%
2003: Knoxville City Council, Norris Dryer, 17%
2004: Knox Co. Commission, Martin Pleasant, 8.25%
2006: Governor, Howard M. Switzer, .15%
2006: US Senate, Joseph Lugo, .14%
US House 1, Robert N. Smith, .58%
US House 7, Kathleen Culver, .78%
Knox Co. Commission, Martin Pleasant, 33.69%
2007: Knoxville Mayor, Isa Infante, 10.17%
2008: President, Cynthia McKinney, .10%
2008: US Senate, Chris Lugo, .38%
2008: US House 5, John Miglietta, 1.16%

13. Please identify with specificity the officers, if any, of the Green Party of Tennessee, including their names, addresses, date of election or appointment and terms of office.

ANSWER:

Kathleen Culver, former co-chair elected 3/08 2 year term, resigned as co-chair in March 2009 current Chair Perry County, Green Party of Tennessee, and member State Coordinating Committee, Green Party of Tennessee, 668 Hurricane Creek Rd Linden Perry Co

Mike Bascom, co-chair elected 5/07 2 year term
Hamilton Co

Felicia Frasure, treasurer elected 5/07 2 year term
518 Moore Ave, Nashville Davidson Co.

REQUEST FOR PRODUCTION OF DOCUMENTS

3. Please produce each and every document you intend to rely upon which is not otherwise privileged or protected under law in any hearing or trial of this matter. If any Request to Produce is deemed to call for the production of any document containing privileged oral or written communication, or information protected from disclosure by the work product doctrine or otherwise, a list of each document withheld is to be furnished, and shall contain (a) the identity of the speaker or author; (b) the identify of the persons to whom the communication was directed; (c) the identify of all other persons who were present at the time of the oral communication or who have read the written communication; (d) the identity of all other persons who have information about the communication; (e) the date of the communication; (f) the place of the communication; (g) the manner in which the communication was made; (h) the duration of the communication; (i) the subject matter of the communication; (j) a statement of fact constituting the basis for withholding the information; and (k) state the request to which the information or

document relates.

ANSWER: Documents responsive to this request are attached hereto.

6. Please produce copies of all communications, including but not limited to correspondence, newsletters, news releases, party directives, memoranda, and electronic communications concerning or relating to the Green Party of Tennessee's efforts to obtain recognition as a statewide political party in 2008.

ANSWER: Documents responsive to this request are attached hereto.

7. Please produce copies of all communications, including but not limited to correspondence, newsletters, news releases, party directives, memoranda, and electronic communications concerning or relating to the Green Party of Tennessee's efforts to obtain recognition as a statewide political party prior to 2008.

ANSWER: Documents responsive to this request are attached hereto.

8. Please produce copies of minutes of meetings of the Green Party of Tennessee.

ANSWER: Documents responsive to this request are attached hereto.

9. Please produce copies of any charter, by-laws, and rules of proceeding of the Green Party of Tennessee, and any amendments or modifications thereto.

ANSWER: Documents responsive to this request are attached hereto.

VERIFICATION OF ANSWERS

I, Kathleen Culver, after being duly sworn in accordance with the law, make oath that I am Kathleen Culver, and that I am duly authorized for the purposes of answering these interrogatories and making this verification, that I have provided the answers to these interrogatories upon such information as is available to me and that such answers are true, correct, and complete to the best of my knowledge, information, and belief.

Kathleen Culver
Kathleen Culver [name]
[position]

Sworn to and subscribed before me this 11 day of Jan., 2010.

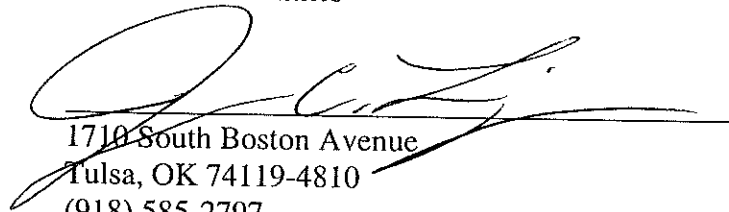
Jane Lewis, Perry Co Clerk
Notary Public

Commission and Expiration: 8-31-10

(SEAL)

Respectfully submitted this 14th day of ~~December~~ ^{January}, 2010.

JAMES C. LINGER, OBA#5441
Counsel for Plaintiffs



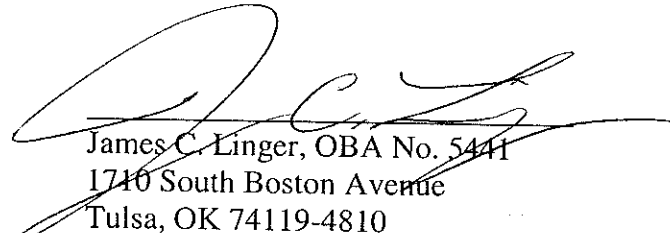
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2010, a true and correct copy of the above and foregoing responses were served at:

JANET KLEINFELTER,
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